

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
RAYMOND JAQUEZ and MULTI-VITAMIN ENERGY CORP.,

Plaintiff(s),

- v -

ENERGY BRANDS, INC.,

Defendant(s).  
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Amended  
**Case Management Plan**

10 CV. 4972 (RMB)

The following Case Management Plan is entered after consultation with the parties. This Plan is also a Rule 16 and Rule 26(f) scheduling order as required by the Federal Rules of Civil Procedure.

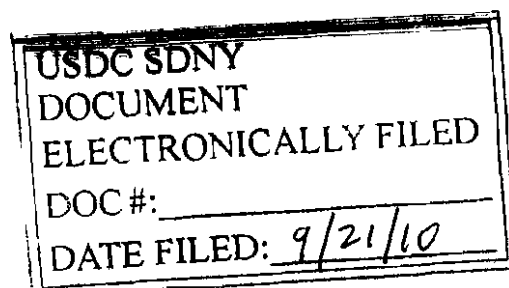
- (i) Joinder of additional parties by December 15, 2010
- (ii) Amend the pleadings by December 15, 2010
- (iii) All discovery to be expeditiously completed by January 21, 2011
- (iv) Consent to Proceed before Magistrate Judge Not at this time
- (v) Status of settlement discussions Settlement conference, with principals, on November 22, 2010 at 10:30 am; ex parte settlement letters due by November 15, 2010 (up to 5 pages, double spaced)

Sections vi through xi will be set at conference with the Court.

- (vi) Motions
- (vii) Oral Argument
- (viii) Joint Pre-Trial Order to be submitted by
- (ix) Final Pre-Trial Conference
- (x) Trial
- (xi) Other

SO ORDERED: New York, New York

9/21/10



RMB

Hon. Richard M. Berman, U.S.D.J.